

REMARKS

Applicants submit the following response relative to the non-final Office Action dated February 20, 2009. The present prosecution has engaged numerous rounds of prosecution wherein the Examiner maintains the same single 102 anticipatory reference Tal. Applicants continue to strenuously disagree and respectfully request the Examiner engage a fresh perspective review on this reference in view of the proposed amendments as well as Applicants' positions below.

Claims 1, 16 and 32 have been amended further to recite limitations of pending claims 6 and 20, as well as recite limitations noting that the migration script includes modifications by one of any number of developers and the “the generation of the migration script being without the need to recreate any modifications by the one of the plurality of developers.” Additionally, the claims are amended to recite “the sending the framework being automatically delivered to the plurality of developers when the developers rebase to a latest version of a code base.” These amendments do not add any new matter beyond the specification, as originally filed. Applicants therefore request entrance and examination.

All pending claims stand rejected under 35 U.S.C. §1029e) as being anticipated by U.S. Patent No. 7,107,589 (“Tal”). Applicants respectfully disagree.

For the sake of brevity, Applicants resubmit the previously-offered positions regarding the discussions of Tal. Wherein, Tal discusses application software migration and version control to install or upgrade a database platform for an end user (see, e.g. col. 9, lines 1-10). As understood, the Examiner interprets the first copy of the database as a source safe 105 (figure 1) containing programming elements. The determination of

changes made to the schema of the first copy of the database is drawn to the programming elements that are to be enhanced and checked out from the source safe. The elements that are to be enhanced are presumably interpreted as the changes that are “determined.” As also understood, the Examiner also takes the position that end-user server 180 of Fig. 1 qualifies as the one or more other copies of the database while software migration on the database platform of the end-user server 180 constitutes a database upgrade.

By distinction, the present invention provides that there is no need to compare the developer’s local database to a live or master database to generate a migration script. There is no need for the migration script to be uploaded to a server computer for downloaded by others. Access to a server is not necessary for the developers to receive updated schemas from the other developers. Instead, the migration scripts are embedded directly in the framework of a version control system and delivered therethrough. The framework and the version control system can be automatically delivered to the developers when they rebase to the latest version of their software code. See, e.g. page 13. lines 5-20.

These fundamental differences are reflected in the amended claims, further emphasizing the patentable distinction of the present invention from the generalized software migration technique of Tal from the centralized platform. Tal is trying to control the software running on database systems. There are three databases discussed by Tal. The source safe 105 includes programming elements of prior, current and future versions of the application software to be migrated (Column 3, lines 43-46) but there is no mention of maintaining a list of specific schema versions. The end-user database

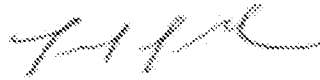
system maintains only a log file detailing the status information of each migration step performed during the software migration and is not used for schema versioning. The configuration repository used to organize and or package the migration process does seem to contain previously released software versions but not relating to database schema (Column 5, lines 4-15). It should also be emphasized that each copy of a database should maintain a same schema content or version. Clearly, each of the databases of Tal are different with respect to what each of them contain as a whole. The safe source contains programming elements, while the configuration repository contains a software migration and the end user database contains end-user specific information.

Accordingly, Applicants request withdrawal of the rejection of claims 1, 16 and 32 and allowance of the same. Remaining claims depend from claims 1, 16 and 32, respectfully, and Applicants submit that these claims are also allowable for at least the same reasons stated above.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the Examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

Dated: May 19, 2009



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